IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
SUMMARY SUIT NO.2945 OF 1995

Bank of India .. Plaintiff

vs

M/s Tejas Exports & ors .. Defendants

Mr.O.A.Das for Plaintiff

CORAM : A.S.OKA, J

DATED : 10th September, 2007

JUDGMENT

1. My attention has been invited to the order dated 12th July, 1999 passed by this Court in Summons for Judgment No.532 of 1997. By the said order, the defendants were granted conditional leave to defend the suit subject to deposit of a sum of Rs.1,50,000/- in this Court within a period of four weeks from that date.

2. Learned counsel appearing for the plaintiff has tendered on record a certificate dated 27th October, 2005 issued by the Master and Assistant Prothonotary. It records that the defendants have not deposited the amount in compliance with the order dated 12th July, 1999. The said certificate is taken on record and marked X for identification.

3. The learned counsel for the plaintiffs have also tendered on record an affidavit of Ms.Yogini Sabnis, an Officer of the plaintiffs for proving the claim of the plaintiffs. He has also tendered on record a compilation of documents. The affidavit is taken on record and marked Y for

identification. The compilation of documents is taken on record and marked Z (collectively) for identification.

3. Apart from the fact that the plaintiffs are entitled to a decree as per clause (b) of sub rule 6 of Rule 3 of Order XXXVII of the Code of Civil Procedure, 1908, the plaintiffs have proved their claim in the suit by the aforesaid affidavit and the aforesaid documents.

4. Hence, suit stands decreed in terms of prayer clauses (a) and (b).

5. The plaintiffs will be entitled to refund of court if any, as per rules.

Certified copy is expedited.

(A.S.Oka, J)